

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1290 OF 2005

.....
OFFICE NOTES, OFFICE
MEMORANDUM OF CORAM,
APPEARANCES, COURT'S
ORDERS OR DIRECTIONS
AND REGISTRAR'S ORDERS
.....

COURT'S OR JUDGES
ORDERS

Shri Rajaram V. Bansode for the Petitioner.
Mrs P.H.Kantharia, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 20, 2006.

P.C.:

1. Heard the learned Advocate for the
Petitioner. By this Petition under Article
227 of the Constitution of India and section
482 of the Code of Criminal Procedure, 1973,
the Petitioner has taken exception to order
dated 08th January, 2004 passed by the
learned Judicial Magistrate, First Class,
Mahad. The said order has been passed under
the provisions of section 125 of said Code.
The statutory remedy under the said Code is
not availed of by the Petitioner. Only on
this ground Writ Petition is not entertained
and the same is rejected. Notwithstanding
the rejection of the Petition, it will be
open for the Petitioner to adopt the

appropriate remedy in accordance with law
for the purposes of challenging the order
impugned in this Petition.

2. All questions on merits are kept
open. The amount which is deposited in this
Court which will be transmitted to the court
of the learned Magistrate. The said amount
will not be allowed to be withdrawn by the
first Respondent for a period of four weeks
from today.

JUDGE